

## **2017-2018 BUDGET QUESTION**

### ***Response to Request for Information***

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**DEPARTMENT:** Police

**REQUEST NO.:** 128

**REQUESTED BY:** Garza

**DATE REQUESTED:** 8/24/17

**DATE POSTED:** 9/10/17

**REQUEST:** What does the law allow on cite and release cases? What is the current Austin Police Department (APD) policy related to practices for cite and release cases? Please provide 5 years of data on the number of cite and release cases. How does Austin's cite and release policy compare to other Texas metropolitan areas and how do their statistics for the past three years compare? Please provide a list of all types of infractions currently eligible for cite and release under current APD policy. Please also provide a breakdown for each of those categories for how many incidences resulted in cite and release versus arrest, along with demographic information in each category for each of the last 5 years.

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#### **RESPONSE:**

1. What does the law allow on cite and release cases?

Texas law allows for peace officers to issue cite and release citations for Class A, B, and C misdemeanors. The authority can be found in the Code of Criminal Procedures Article 14.06. For offenders charged with a class A or B misdemeanor, the article requires them to live in the county where the offense occurred to be eligible for cite and release and spells out the specific offenses that are eligible for cite and release. The offenses include Possession of Marijuana less than 4 ounces, Criminal Mischief, Graffiti, Theft, Theft of Services, and Driving While License Invalid.

2. What is the current Austin Police Department (APD) policy related to practices for cite and release cases?

APD Policy 308 addresses Misdemeanor citations and identifies the circumstances under which APD officers can utilize this process. The policy requires that the suspect have sufficient identification, the officer believes the suspect will appear for his court hearing as scheduled, the officer believes the issuance of the citation will terminate the violation, and the subject does not resist detention. The policy also requires that an officer who wants to make a full custody arrest in lieu of utilizing cite and release when available get prior supervisor approval to do so. APD policy also identifies circumstances that disqualify an individual from the cite and release provisions. These include the subject being intoxicated to the level they are a danger to themselves or others, the subject requires medical attention, the subject has outstanding warrants, and there is reasonable belief that the offense will not cease if the offender is not arrested and removed from the scene.

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3. Please provide a list of all types of infractions currently eligible for cite and release under current APD policy:

#### 308.4.1 ELIGIBLE OFFENSES

The following Class A and B misdemeanors are eligible for a release by citation:

- (a) Possession of Marijuana less than two (2) ounces - (Class B).
  - (b) Possession of Marijuana of two (2) ounces but less than four (4) ounces - (Class A).
  - (c) Criminal mischief where the value of the damage inflicted is \$50 or more but less than \$500 - (Class B).
  - (d) Graffiti where the value of the damage inflicted is less than \$500 - (Class B).
  - (e) Theft where the value of the property stolen is \$100 or more but less than \$750 - (Class B).
  - (f) Theft of Service where the value of the property stolen was \$100 or more but less than \$750 - (Class B).
  - (g) Driving While License Invalid - (Class B only).
4. How does Austin's cite and release policy compare to other Texas metropolitan areas and how do their statistics for the past three years compare?

APD contacted several Texas law enforcement agencies to obtain their related policies and none have responded at this time.

5. Please provide 5 years of data on the number of cite and release cases. Please also provide a breakdown for each of those categories for how many incidences resulted in cite and release versus arrest, along with demographic information in each category for each of the last 5 years.

| Years                          | 2012              |            |          |            |              |                  |
|--------------------------------|-------------------|------------|----------|------------|--------------|------------------|
| Race/ethnicity                 | CRIMINAL MISCHIEF | DWLI       | GRAFFITI | POM        | THEFT        | THEFT OF SERVICE |
| AMERICAN INDIAN/ALASKAN NATIVE |                   |            |          | 1          |              |                  |
| ASIAN                          |                   | 4          |          | 1          | 30           |                  |
| BLACK                          | 2                 | 200        | 1        | 129        | 371          | 18               |
| HISPANIC OR LATINO             | 11                | 333        | 1        | 209        | 585          | 13               |
| MIDDLE EASTERN                 |                   | 2          |          | 6          | 6            | 3                |
| UNKNOWN                        |                   | 1          |          | 1          | 1            |                  |
| WHITE                          | 5                 | 194        | 3        | 187        | 589          | 48               |
| <b>Grand Total</b>             | <b>18</b>         | <b>734</b> | <b>5</b> | <b>534</b> | <b>1,582</b> | <b>82</b>        |

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| Years                          |                   | 2013       |          |            |              |                  |
|--------------------------------|-------------------|------------|----------|------------|--------------|------------------|
| Race/ethnicity                 | CRIMINAL MISCHIEF | DWLI       | GRAFFITI | POM        | THEFT        | THEFT OF SERVICE |
| AMERICAN INDIAN/ALASKAN NATIVE |                   | 1          |          |            |              |                  |
| ASIAN                          |                   | 9          |          | 6          | 15           | 4                |
| BLACK                          |                   | 320        |          | 157        | 315          | 28               |
| HISPANIC OR LATINO             | 3                 | 391        | 1        | 204        | 543          | 28               |
| MIDDLE EASTERN                 |                   | 5          |          | 1          | 7            |                  |
| UNKNOWN                        |                   | 1          |          |            | 2            | 3                |
| WHITE                          | 2                 | 244        | 4        | 196        | 656          | 118              |
| <b>Grand Total</b>             | <b>5</b>          | <b>971</b> | <b>5</b> | <b>564</b> | <b>1,538</b> | <b>181</b>       |

| Years              |                   | 2014         |          |            |              |                  |
|--------------------|-------------------|--------------|----------|------------|--------------|------------------|
| Race/ethnicity     | CRIMINAL MISCHIEF | DWLI         | GRAFFITI | POM        | THEFT        | THEFT OF SERVICE |
| ASIAN              |                   | 6            |          | 8          | 29           | 2                |
| BLACK              | 2                 | 280          | 2        | 168        | 316          | 36               |
| HISPANIC OR LATINO | 2                 | 446          |          | 225        | 527          | 5                |
| MIDDLE EASTERN     |                   | 2            |          | 3          | 12           | 5                |
| UNKNOWN            |                   | 2            |          | 2          | 2            |                  |
| WHITE              | 2                 | 264          | 6        | 159        | 586          | 94               |
| <b>Grand Total</b> | <b>6</b>          | <b>1,000</b> | <b>8</b> | <b>565</b> | <b>1,472</b> | <b>142</b>       |

| Years                          |                   | 2015       |          |            |              |                  |
|--------------------------------|-------------------|------------|----------|------------|--------------|------------------|
| Race/ethnicity                 | CRIMINAL MISCHIEF | DWLI       | GRAFFITI | POM        | THEFT        | THEFT OF SERVICE |
| AMERICAN INDIAN/ALASKAN NATIVE |                   | 1          |          |            |              |                  |
| ASIAN                          |                   | 4          |          | 7          | 17           |                  |
| BLACK                          | 2                 | 242        |          | 151        | 239          | 34               |
| HAWAIIAN/PACIFIC ISLANDER      |                   | 1          |          |            |              |                  |
| HISPANIC OR LATINO             |                   | 315        |          | 234        | 386          | 18               |
| MIDDLE EASTERN                 |                   | 1          |          | 2          | 11           | 2                |
| UNKNOWN                        |                   | 1          |          | 1          | 4            |                  |
| WHITE                          | 4                 | 204        | 1        | 157        | 578          | 84               |
| <b>Grand Total</b>             | <b>6</b>          | <b>769</b> | <b>1</b> | <b>552</b> | <b>1,235</b> | <b>138</b>       |

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| Years                          | 2016              |              |            |              |                  |
|--------------------------------|-------------------|--------------|------------|--------------|------------------|
| Race/ethnicity                 | CRIMINAL MISCHIEF | DWLI         | POM        | THEFT        | THEFT OF SERVICE |
| AMERICAN INDIAN/ALASKAN NATIVE |                   |              | 1          | 2            |                  |
| ASIAN                          |                   | 11           | 4          | 19           |                  |
| BLACK                          | 3                 | 324          | 178        | 246          | 18               |
| HISPANIC OR LATINO             | 4                 | 431          | 253        | 322          | 12               |
| MIDDLE EASTERN                 | 1                 | 4            |            | 8            |                  |
| UNKNOWN                        |                   | 2            | 2          | 1            | 1                |
| WHITE                          | 3                 | 265          | 188        | 536          | 22               |
| <b>Grand Total</b>             | <b>11</b>         | <b>1,037</b> | <b>626</b> | <b>1,134</b> | <b>53</b>        |